

Attorney Docket No.: 6004.200-US

PATENT

**COMBINED DECLARATION FOR UTILITY PATENT APPLICATION  
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Polypeptides Having Glucose Isomerase Activity And Nucleic Acids Encoding Same**

(Title of the Invention)

the specification of which was filed on August 26, 1999 as United States Application Number 09/383,318 and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application(s) for patent or inventor's certificate or of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or any PCT international application(s) having a filing date before that of the

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**Polypeptides Having Glucose Isomerase Activity And Nucleic Acids Encoding Same**  
(Title of the invention)

the specification of which was filed on August 28, 1999 as United States Application Number 09/383,318 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by an amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 385(b) of any foreign application(s) for patent or inventor's certificate, or 385(a) of any PCT international application(s) for patent or inventor's certificate or of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below any foreign application(s) for patent or inventor's certificate, or any PCT international application(s) having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed	
Tunisia	SN 99.100	26 May 1999	<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. 110(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date

Direct all correspondence to Customer Number 25908:

PATENT TRADEMARK OFFICE

**\*25908\***

**25908**

I hereby appoint the practitioners at the above mentioned customer number as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF FIRST INVENTOR	
Given Name (first and middle (if any))	Karlma
Family Name or Surname	Srih-Belguith
Inventor's Signature	<i>[Signature]</i>
Date	01 - November
Residence: City, State, Country	Sfax, Tunisia
Citizenship	Tunisian
Mailing Address	Route de Tenipur Km 1.5, Rue 353 Malsoun 28
City, State, Zip, Country	Sfax, Tunisia

NAME OF SECOND INVENTOR	
Given Name (first and middle (if any))	Radhouane
Family Name or Surname	Elouz
Inventor's Signature	<i>[Signature]</i>
Date	1 <sup>er</sup> November 2001
Residence: City, State, Country	Sfax, Tunisia
Citizenship	Tunisian
Mailing Address	3 Rue Immam Sahnoun
City, State, Zip, Country	Sfax, Tunisia

NAME OF THIRD INVENTOR	
Given Name (first and middle (if any))	Samir
Family Name or Surname	Bejar
Inventor's Signature	<i>[Signature]</i>
Date	1 <sup>er</sup> November 2001
Residence: City, State, Country	Sfax, Tunisia
Citizenship	Tunisian
Mailing Address	Route de Soukra Km 4, Avenue de la Jourdanie Lot Falza 3052
City, State, Zip, Country	Sfax, Tunisia

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Belguith et al.

Confirmation No: 6411

Serial No.: 09/393,318

Group Art Unit: 1652

Filed: August 26, 1999

Examiner: Slobodyansky

For: Polypeptides Having Glucose Isomerase Activity And Nucleic Acids Encoding Same

## DECLARATION OF SAMIR BEJAR AND KARIMA SRIH-BELGUITH

Commissioner for Patents  
Washington, DC 20231

Sir:

We, Samir Bejar and Karima Srih-Belguith, do hereby state and declare that:

- I. We are co-inventors of the above-identified application.
- II. We are the only named inventors that are listed as authors of the article: "A thermostable glucose isomerase having a relatively low optimum pH: study of activity and molecular cloning of the corresponding gene." Biotechnology Letters, Vol. 20, June 1998, pp. 553-556. There are two other inventors that were named as inventors of the above-referenced application, but were not listed as authors of the article, and the explanation for their absence as authors is as follows:
  - III. Although Professor Ellouz is not named as an author of the article, Professor Ellouz contribution to the claimed invention is specifically mentioned at the end of the article in the acknowledgements sections. Professor Ellouz's contribution is not discussed in detail in the article, but included, some of the preliminary work indirectly referenced on page 554 of the article, including, among other things, participation in the conception of the strategy and methods for isolating a Streptomyces from Tunisian soil, and assisting in the identification of the claimed glucose isomerase in Streptomyces sp. SK. Although Professor Ellouz is not identified as an author of the article, he is a co-inventor of the subject matter claimed in the above-referenced application.

IV. With respect to Monia Mezghani, upon further consideration, it has been decided that Monia Mezghani is not properly named as an inventor. Monia Mezghani's contribution to the claimed invention included sequencing the nucleic acid sequence of the glucose isomerase of the above-referenced application. Based on this contribution, we initially concluded that Monia Mezghani was also an inventor of the claimed invention. However, upon further consideration with our attorney, Jason Garbell, a conclusion has been made that Monia Mezghani is not a co-inventor of the presently claimed invention because we had conception and possession of the gene encoding the glucose isomerase of the above-referenced application before Monia Mezghani's contribution. The inclusion of Monia Mezghani as a co-inventor of the above-identified application was therefore in error and without deceptive intent.

V. The undersigned declarants declare further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize any patent issuing thereon.

Signed this 1 day  
of November 2001

  
Samir Bejar

Signed this 1 day  
of November 2001

  
Karima Sni-Belguith